

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JOHN KERR,)	Case No. 3:24-cv-68
)	
Plaintiff,)	JUDGE KIM R. GIBSON
)	
v.)	
)	
AMAZON.COM, INC., <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM ORDER

On August 20, 2024, the Court issued a Memorandum Opinion and Order explaining its finding that it lacks personal jurisdiction over both Defendant BNSF Railway Company ("BNSF") and Defendant Burlington Northern Santa Fe, LLC ("Burlington Northern"). (ECF No. 70 at 32–33). The Court therefore indicated that it would grant all of the Motions to Dismiss for Lack of Personal Jurisdiction filed by BNSF and Burlington Northern. (*Id.* at 33). The Court further stated that, pursuant to Title 28, United States Code, Section 1631, it was affording either Plaintiff John Kerr ("Mr. Kerr") or any Defendant asserting a crossclaim against either BNSF or Burlington Northern (or both) twenty-one days from the entry of the Court's Memorandum Opinion and Order "to file a request that the order disposing of the Motions to Dismiss also provide for and identify a transfer to a court of competent jurisdiction." (*Id.*).

The timeframe for filing a request for a transfer has passed, and neither Mr. Kerr nor any Defendant asserting a crossclaim against BNSF or Burlington Northern has submitted such a request. Accordingly, the Court enters the following Order:

AND NOW, this 12th day of September, 2024, for the reasons set forth in the Court's

Memorandum Opinion and Order issued on August 20, 2024, **IT IS HEREBY ORDERED** that BNSF and Burlington Northern's Motions to Dismiss for Lack of Personal Jurisdiction (ECF Nos. 24, 39, 68) are **GRANTED**.

IT IS FURTHER ORDERED that Mr. Kerr's claims as against BNSF and Burlington Northern, which are located at Count Eight of his operative Complaint, (ECF No. 1-3 at 15) are **DISMISSED WITH PREJUDICE**. All crossclaims in this action as against BNSF and/or Burlington Northern are likewise **DISMISSED WITH PREJUDICE**. Therefore, because the Court lacks personal jurisdiction over both BNSF and Burlington Northern, and because there are no remaining claims against either of those Defendants, the Clerk shall terminate Defendants BNSF and Burlington Northern from this action.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson", written over a horizontal line.

KIM R. GIBSON
UNITED STATES DISTRICT JUDGE